REMARKS/ARGUMENTS

Claim Rejections - 35 U.S.C. § 103

In the present Office Action, claims 1-3, 5-8, 11, 29-30, 32-41, and 43 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pat. No. 6,665,997 ("Chen") in view of U.S. Pat. No. 3,402,520 ("Lee"). It is respectfully submitted that the rejections be withdrawn for the following reasons.

In the Office Action, the Examiner states that Figures 7-8 of Chen show a particular method. *See* Office Action at Page 2 ("Figures 7-8 shows a method comprising . . . .") However, Figures 7 and 8 of Chen are not directed to a method, but instead are merely exploded cross-sectional views showing the structural relationship of various components of a molded door. In particular, neither Figure 7 nor Figure 8 discloses the presence of an open cell foam as specifically required in Claim 1 of the present application. Contrary to the Examiner's assertion, the component labeled "9" in Figures 7 and 8 of Chen is an internal cavity which is specifically not to be filled with foam until after both door skins 1, 2 have been attached to the structure shown in Figure 8. *See* Chen column 2, line 66 - column 3, line 3.

The term "precursor" used in the present application has a very specific and clear meaning, i.e., an open cell foam having a skin attached to a first surface thereof, and as set out in Claim 1 of the present application.

In the present invention, it is this precursor that is to be modified before the attachment of a second skin. In contrast, in both Chen and Lee, a foam structure having a single skin is never created because the structure is formed by way of filling a cavity with a liquid foam which is then set, and such a foam cannot be applied to the structure before at least two skins are present to create the cavity.

On page 12 of the Office Action, the Examiner acknowledges that Chen teaches that a liquid foam material is filled into a cavity between two skins to form a foam core. It follows from

this that the precursor defined in the present application can nowhere be suggested by Chen. Thus, although the Examiner argues that Figures 7 and 8 disclose the "basic structure" produced in the present application, this is not in fact the case, because component 9 is a void (or cavity) rather then an open cell foam. The only method taught in Chen to produce a finished door is to flow a liquid foam into the cavity between two skins which is then set. There is no suggestion in Chen that the cavity 9 should be replaced by a solid foam structure before the second skin is attached.

The Office Action goes on to state: "The examiner agrees the claims are not t [sic] anticipated by or found obvious over the disclosure of Jasperson and Chen alone. However the claims are found obvious in view of Chen in view of Lee." *See* Office Action at page 12. Lee, which is titled "PANEL WITH FOAMED-IN-PLACE CORE," relies on the same construction methods disclosed in Chen. *See, e.g.,* Lee at col. 1, lines 11-15 ("A lightweight panel having relatively thin surface skins adhered on opposite sides of a stiff frame outline, thereby enclosing the panel interior which is filled with a foamed-in-place core of a low density and relatively rigid plastic foam.") The specification defines foamed-in-place as the foam "expanded to fill the entire interior of the panel 10." Thus, although the Examiner argues that the deficiencies of Chen (and Jasperson) are remedied by Lee, it is clear that Lee teaches a "foamed-in-place core" for the panel and not a precursor as required by claim 1.

Thus, contrary to the assertion on page 12 of the Office Action, both Chen and Lee are directed to the same means of construction, i.e., the attachment of two skins to a frame and the subsequent filling of the cavity between the skins by a liquid foam (foaming-in-place) which is then set, and there is no suggestion in either document that this method should be modified in the manner discussed in the present application.

In addition, the rationale provided for combining Chen and Lee is that "[i]t would have been obvious to one of ordinary skill in the art to modify chen [sic] to modify the second skin prior to attaching the first in order to provide a means facilitating the modification of the second skin prior to attaching it to the other door elements." *See* Office Action at page 2. However, even if this

rationale was supported by the Chen or Lee references (which Applicant does not concede), the claims of the present application require modification of the precursor (not the second skin) prior to attachment. Therefore, the rationale provided for combining the references is incorrect and therefore insufficient.

In view of the above arguments it is submitted that Claim 1, and all claims dependent thereon (2-3, 5-11, 13-16 and 43), is not obvious with respect to Chen in combination with Lee. Removal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claim 27 is rejected under 35 U.S.C. § 102(b) as being anticipated by Chen. As discussed above, Chen fails to teach attaching a skin to an open cell foam to form a "precursor." Thus, Chen fails to anticipate claim 27. Removal of the rejection is respectfully requested.

The structure shown in Figure 8 of Chen incorporates a cavity 9 into which a liquid foam material may be flowed only after both of the first and second skins 1, 2 have been attached to a frame. In addition, even once the cavity 9 shown in Figure 8 has been filled with liquid foam, this method bears no resemblance to the method specified in Claim 27 of the present application in which a first skin is applied to a first surface of a foam substrate and a second skin is applied to the first surface of a different foam substrate, and the two foam substrates are then joined together at their exposed surfaces.

As Claim 27 is believed to be novel and nonobvious with respect to Chen and all other cited documents, it is submitted that all of the claims dependent on this claim must also be novel and nonobvious (i.e., Claims 28-41).

In view of the foregoing, it is respectfully submitted that the pending claims are allowable. It is respectfully submitted that the rejections to the claims be withdrawn.

Failure to Provide Adequate Reasoning

Section 706.02(j) of the MPEP states that in a proper rejection: "After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action:

"(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

"(B) the difference or differences in the claim over the applied reference(s),

"(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

"(D) an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

In rejecting claims of the present invention, the Office Action provides an assertion that a references provides a teaching, however, no reference to the relevant column or page number is provided. Although the MPEP indicates such reference is a "preference," Applicant has been unable to locate several of the asserted teachings in the references. For example, Applicant has found no teaching of modifying a precursor in Lee (claim 1) and no teaching of a handle, lock, plate, catch, or a hinge (claims 8 and 33).

Therefore, Applicant asserts that the Office Action fails to present a *prima facie* case of obviousness. Applicant requests that the rejections be restated with citations to those particular teachings of the references which are believed to disclose the elements of each claim of the present invention.

Furthermore, Section 2142 of the MPEP states that "The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of

nonobviousness." Therefore, Applicant believes that the finality of the present Office Action is improper and it is respectfully requested that the finality is withdrawn.

Conclusion

It is respectfully submitted that a full and complete response to the Office Action has been made. The claims are believed to be in condition for allowance. Early and favorable action is respectfully requested. If the Examiner has any further questions or concerns, the Examiner is invited to contact the undersigned.

The Applicant believes that a three month extension-of-time is needed in order to enter this Response. Please consider this to be a petition for an extension-of-time sufficient to enter this Response. The fee for the extension-of-time should be charged to Deposit Account No. 08-2442.

Applicant herewith files a Request for Continued Examination (RCE) for the Examiner to consider this response/RCE. The Examiner is authorized to charge the fee for the RCE to Deposit Account No. 08-2442.

If any additional fees are occasioned by this Response, the Director is hereby authorized to charge them to, or to credit, Deposit Account 08-2442 of the undersigned.

Respectfully submitted,
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